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March 11, 2002

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Commissioner for Patents Washington, D.C. 20231

Art Unit 1646

Re: U.S. Utility Patent Application

Appl. No. 09/967,321; Filed: October 1, 2001

For: Methods

Inventors:

BLACKBURN et al.

Our Ref:

0623.0860002/LBB/Y-W

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Copy of Notice to File Missing Parts of Application;
- 2. Fee Transmittal Form PTO/SB/17;
- Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
- Preliminary Amendment and Submission of Substitute Sequence Listing Under 37 C.F.R. § 1.825(a), including paper and computer copy of sequence listing;
 - Declaration for Patent Application, executed by Jonathon Michael BLACKBURN, Mitali SAMADDAR and Roland Z. KOZLOWSKI;
- 6. Declaration for Patent Application, executed by Michelle Ann MULDER;
- 7. Declaration for Patent Application, executed by John David SUTHERLAND;
- 8. Power of Attorney from Assignee, executed by Roland Z. KOZLOWSKI;
- 9. Certificate Under 37 C.F.R. § 3.73(b), executed by Roland Z. KOZLOWSKI;
- 10. Information Disclosure Statement;
- 11. Form PTO-1449, including five (5) cited references;

Sterne, Kessler, Goldstein & Fox PLLC: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents March 11, 2002 Page 2

- 12. Our Check No. 34443 for \$775.00 to cover:
 \$370.00 for Filing Fee for Patent Application (37 C.F.R. § 1.16) (small entity);
 \$140.00 for Multiple Dependent Claim Surcharge (small entity);
 \$_65.00 for Surcharge for late filing of Declaration (37 C.F.R. § 1.16) (small entity);
 \$200.00 for the Extension of Time fee for two (2) months (small entity); and
- 13. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Laure B. Bugardy

Lawrence B. Bugaisky

Attorney for Applicants Registration No. 35,086

Enclosures

P:\USERS\YWANG\0623\0860002\reply-nfmp-pto-cvl

TOTAL AMOUNT OF PAYMENT

103

102

104

108

10

18

84

280

84

18

203

202 42

204 140

209

210 9

9

42

Claims in excess of 20

Multiple dependent claim

original patent

SUBTOTAL (2) (\$) 140.00

Independent claims in excess of 3

**Reissue independent claims over original

patent
**Reissue claims in excess of 20 and over

(\$)775.00

Complete if Known	
Application Number	09/967,321
Filing Date	October 1, 2001
First Named Inventor	Jonathon Michael BLACKBURN
Examiner Name	To Be Assigned
Group Art Unit	1646
Attorney Docket No.	0623.0860002/LBB/Y-W

METHOD OF PAYMENT (check one) FEE CALCULATION (continued) ADDITIONAL FEES The Commissioner is hereby authorized to charge Large Entity Small Entity indicated fees and credit any overpayment to: Fee Fee 19-0036 Code (\$) Code (\$) **Fee Description** Fee paid Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C. 65 105 130 205 Surcharge - late filing fee or oath 65.00 127 25 Surcharge - late provisional filing fee or cover sheet 50 227 Charge Any Additional Fee Required 130 Non-English specification Under 37 CFR §§ 1.16 and 1.17 139 130 139 147 2,520 147 2,520 For filing a request for ex parte reexamination Applicant claims small entity status See 37 CFR 1.27 112 920* 112 Requesting publication of SIR prior to Examiner action 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action Payment Enclosed: □ Check ☐ Credit card ☐ Money Order ☒ Other* 55 Extension for reply within first month 115 110 215 *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036 FEE CALCULATION 116 400 216 200 Extension for reply within second month 200.00 1. BASIC FILING FEE 117 920 460 Extension for reply within third month 217 118 1.440 Small Entity 218 Extension for reply within fourth month arge **Entity** Fee Fee Code (\$) Fee Description Fee Paid 128 1.960 228 980 Extension for reply within fifth month Code (\$) 740 119 219 101 201 370 320 160 Notice of Appeal Utility filing fee 370.00 106 330 206 165 Design filing fee 120 320 220 160 Filing a brief in support of an appeal 107 510 207 255 Plant filing fee 121 280 221 Request for oral hearing 140 108 740 208 370 Reissue filing fee 138 1,510 138 1,510 Petition to institute a public use proceeding 214 160 114 80 Provisional filing fee 140 110 240 55 Petition to revive - unavoidable 141 1,280 241 640 Petition to revive - unintentional SUBTOTAL (1) (\$) 370.00 142 1.280 242 640 Utility issue fee (or reissue) 243 143 460 230 Design issue fee 144 620 244 310 Plant issue fee 122 130 122 130 Petitions to the Commissioner 2. EXTRA CLAIM FEES 130 Petitions related to provisional applications Fee from 123 130 123 below Fee Paid 126 180 126 180 Submission of Information Disclosure Stmt Total Claims _ _ - 20** = Х 581 40 481 Recording each patent assignment per Indep. Claims - 3** = property (times number of properties) 146 740 246 370 Filing a submission after final rejection Multiple Dependent 140 = 140 (37 ČFR 1.129(a)) .arge Entity Small Entity 149 740 249 370 For each additional invention to be examined Fee Description (37 CFR 1.129(b)) Code (\$) Code (\$) 179 740 279

** or number previously paid, if greater; For Reissues, see above SUBTOTAL (3) (\$) 265.00 SUBMITTED BY Complete (if applicable) Name (Print/Type) Registration No. (Attorney/Agent) Lawrence B. Bugaisky 35.086 Telephone 202-371-2600 Signature Date March 11, 2002

900

'Reduced by Basic Filing Fee Paid

169

169

Other fee (specify):

Other fee (specify):

370

application

Request for Continued Examination (RCE)

Request for expedited examination of a design



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www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/967,321

10/01/2001

Jonathon M. Blackburn

0623.0860002

26111

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CONFIRMATION NO. 4288

FORMALITIES LETTER

OC000000007047230

Date Mailed: 11/09/2001

NOTICE TO FILE MISSING PAR PROVISIONAL APPLICATION

03/14/2002 RGEBREM1 00000144 09967321

FILED UNDER 37 CFR 1.53(b)

01 FC:201 02 FC:204 03 FC:205 370.00 OP 140.00 OP 65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$140.
 - \$140 for multiple dependent claim surcharge.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 575.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu

Basic Fee, Excess Fee, Add-1, Decl, Statement, Seg LB ting JAN 9, 2002 STATBAR JUNE 9,2002 DOCKETED

of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY